

West Stockbridge Planning Board
Meeting Minutes January 10, 2022
Via Zoom

Dana called the meeting to order at 7:00 pm. Planning Board (PB) members present: Dana Bixby, Chair, Ryan Beattie, and Andrew Fudge. (Gunner Gudmundson and Sue Coxon were unable to attend). Others present: Karen Kavanagh, Administrative Assistant.

Dana asked the PB if they had reviewed the minutes. Ryan moved to approve the September 27, 2021, Public Hearing minutes. Andrew seconded. The motion carried 3 to 0. The other minutes will be reviewed at the next Planning Board meeting.

Before addressing agenda items, Dana shared information about a ZBA meeting she attended on January 6th that dealt with ZBA processes and procedures, and opportunities for process improvement.

The ZBA stated that they need to create a verbatim transcript of the Public Hearing. Seth Jenkins, BRPC was attending the meeting and he said that he understood that a recording could be used in connection with minutes as the detail record of the hearing as long as there is a written record of the actions and the conditions. Dana said that it was also her understanding and practice that a transcript of the actions and the conditions were all that was required at a public hearing and the recordings could be used as a detail record of the hearing. She said this was consistent with past PB practices.

Dana noted that there was a time 5 or 6 years ago when an updated version of the Public Meeting Law came out and she's pretty sure that it allowed us to continue to record a public hearing or to use a recording as the primary mechanism for creating the record of the public hearing.

The problem with the process that the PB has used is that if you wanted to get a copy of the recorded public hearings, you may find that some of these recordings no longer exist because they are on devices that are outmoded.

Dana asked Karen to take on the task of looking at the Public Meeting Law to see if her memory is correct that recordings can be used as a record of the public hearing and, if they can be, what are the techniques and format that could be used to store and retrieve the recordings?

Finalize SP Application Form and the SP Guidelines for the Town Website

Dana said that Gunner emailed her one more comment related to the SP Guidelines. He said the very last sentence of the Guidelines may give the impression that a person can begin construction as soon as the Building Commissioner receives a copy of the recorded decision, but there may be other approvals or conditions to be met which are beyond the scope of the Special Permit. Dana suggested adding to the end of the sentence "and the building commissioner has issued any required building permits" which would clear up the potential misunderstanding that Gunner pointed out.

Dana asked for a motion to approve the SP Application & Special Permit Guidelines. Since the new application will introduce changes to the special permit process, Dana said she wants to review the process changes with the Town Clerk and Ass't Town Clerk before the documents are put on the website.

Ryan made a motion to approve the SP Application and SP Guidelines, as amended. Andrew seconded. All in favor 3/0.

Forms & Process in the Registry of Deeds

Dana asked Karen about her conversation with the Register of Deeds regarding the Notice of Recording form. Karen said there are two options: The first is to only send The Notice of Decision with a statement on the Notice that says, "details supporting the decision are on file with the Town Clerk". The second option is to attach the finding of facts and conditions to the Notice of Decision.

Dana said that she prefers the second option to attach the finding of facts and conditions to the Notice of Decision that is submitted to the Registry Deeds. That way, the full picture (decision, findings, and conditions) would be available to anyone who searches the Registry of Deeds. If they want additional details supporting the decision, they can go to the Town Clerk for that information.

Proposed ADU Bylaw and Process

Dana spoke about changes to zoning that she would like to have approved at the Annual Town Meeting. These include:

- ADU & STRs
- Eliminating the Wetlands Overlay District (because it should not be regulated by the PB or by zoning)
- Updating the Flood Plains regulations to have a more dynamic FEMA mapping language
- Improve language regarding multifamily housing that makes it more amenable to affordable housing
- Adding definitions that are missing, fixing language that is bad or that has inconsistencies (business district or comm'l district)
- Building Commissioner's requested changes
- Transferring select SPGA responsibilities from the SB to the PB.

Dana added that she would like to start drafting zoning change warrants for the Annual Town Meeting and asked Ryan if he would like to learn the process so that he can work on future zoning changes. Ryan said yes.

Other Business

SCL: Karen mentioned to the PB that she and Gunner will be working on the SCL update. She also mentioned that the current fee in the SCL for a definitive plan will not cover the cost of advertising. Dana suggested a fee of \$300 or a sliding scale depending on the size of the subdivision. Ryan said he likes the idea of a sliding scale.

SP Fee: Dana said the ZBA fee for a special permit had been \$250 and they voted to increase the fee to \$300. Dana said it would be good if all the SPGAs had the same fee for special permits. This will be an agenda item at the next PB meeting

Dana stated that the ZBA will be conducting a Public Hearing (via zoom) on January 20th at 7:00 pm for a SP Application for the Williamsville Inn to renovate the Inn and build 15 cottages on the site. If anyone wants to attend the meeting the zoom information is on the Town website.

Andrew made a motion to adjourn. Ryan seconded.

The meeting was adjourned at 7:42 p.m.

Respectfully submitted,
Karen Kavanagh, Administrative Assistant